

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Rudy Portillo-Quintanilla,

A#240-066-329

Petitioner,

v.

Kristi Noem, et al.,

Respondents.

Civil Case No. 1:25-cv-1240-LKG

**RESPONDENT'S OPPOSITION TO PETITIONER'S EMERGENCY WRIT OF
HABEAS CORPUS AND MOTION TO DISMISS**

Respondents, through undersigned counsel Thomas Corcoran, Assistant United States Attorney for the District of Maryland, respond to Petitioner's Emergency Writ of Habeas Corpus and request that it be denied. Further, the Respondents move under Federal Rule of Civil Procedure 12(b)(1) to dismiss the Petition on the grounds that (1) this Court lacks jurisdiction to review questions of law and fact arising from removal proceedings pursuant to 8 U.S.C. §1252(b)(9), (2) this Court lacks jurisdiction to stay Petitioner's removal pursuant to 8 U.S.C. §1252(g) because Petitioner is in removal proceedings before the Department of Justice, Executive Office of Immigration Review with a hearing scheduled for May 19, 2025, and (3) this Court lacks jurisdiction to effectuate any of Petitioner's requested relief under 28 U.S.C. §2241 because the Petitioner is located outside the District of Maryland; he is currently detained in Farmville, Virginia. This Opposition and Motion is supported by the attached accompanying Memorandum of Law which is incorporated herein.

WHEREFORE, the Respondents respectfully request this Court enter an Order DENYING Petitioner's Emergency Writ of Habeas Corpus, and an Order DISMISSING Petitioner's Emergency Writ of Habeas Corpus.

Dated May 6, 2025

Respectfully Submitted,

Kelly O. Hayes
United States Attorney

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